

The Gazette of India

EXTRAORDINARY

PART II—Section 2

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COUNCIL OF STATES

The following Bills were introduced in the Council of States on the 4th September, 1953:—

BILL No. XV OF 1953

A Bill to co-ordinate and regulate standards of higher education in post-schools, colleges and universities in all, branches of knowledge.

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(i) This Act may be called the Standards of Higher Education Co-ordinating Act, 1953.

(ii) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definition.—In this Act, unless the context otherwise requires,—

(i) “school education” means the education imparted in schools for a period of ten years culminating in the School Final Examination prevalent in the country, but not including the eleventh class of Higher Secondary course of Delhi State;

(ii) “collegiate education” means the education imparted in colleges on the completion of school education;

(iii) “professional and technical colleges” means institutions where professional and technical education is imparted;

(iv) “university education” means education in universities subsequent to collegiate education.

CHAPTER II

COLLEGIATE EDUCATION

3. Courses of Study.—The collegiate education shall comprise of two courses—

(a) a two-years' diploma course;

(b) a three-years' degree course.

4. Standards of training, discipline, etc.—Detailed standards of training, discipline, sports and examination may be prescribed by the Central Government by notification in the Official Gazette.

5. Two-years' course of collegiate education.—The two-years' course leading to a diploma will be primarily intended for candidates seeking training for clerical and secretarial posts and that of salesmen, managers, subordinate officers and school teachers in middle schools.

6. Three-years' course of collegiate education.—The three-years' course leading to the degree of Bachelor of Arts or Science will train candidates for admission to professional and technical colleges, universities and research institutes and for posts of executive and administrative officers, general managers and high school teachers and will be the basis of general liberal education.

7. Standard of education of degree course.—The standard of education of the degree course shall not be less than the prevailing standard of the pass degree course in Indian universities.

8. Management of collegiate education.—Collegiate education shall be managed by Statutory Boards constituted by State Governments for that purpose.

9. Examination, diplomas and degrees.—All examinations shall be conducted by the Boards and diplomas and degrees conferred by them on successful candidates.

CHAPTER III

PROFESSIONAL AND TECHNICAL EDUCATION

10. Imparting of professional and technical education.—Professional and technical education shall be imparted in colleges specially constituted for that purpose.

11. Standards of professional and technical education.—All professional and technical education shall be of two standards, one leading to a diploma and the other to a degree.

12. Standards of admission, education and examination.—Standards of admission, education and examination shall be prescribed by All India Councils pertaining to that profession or technical subject.

13. Recognition of professional and technical colleges.—All professional and technical colleges shall have to seek recognition of their respective All India Councils which will periodically inspect the institutions and report thereon.

14. Rule making powers of the Central Government regarding All India Councils.—The Central Government may make general rules for the guidance of All India Councils in the discharge of their duties relating to sections 11 and 12 of this Act.

15. Management of professional and technical colleges.—The professional and technical colleges shall be managed by allied State Government departments or by Statutory Boards similar to or concurrent with Collegiate Boards as the State legislatures may determine.

CHAPTER IV

UNIVERSITY EDUCATION

16. Scope of training in universities.—The universities shall train candidates for post-graduate courses of two or three years duration leading to the degree of Master of Arts or Sciences.

17. Standards of education.—The standards of education and examination shall be higher than the present standards of M.A. and M.Sc. in the universities, and will reach modern research standard in some branches of the subject.

18. Research courses.—The universities shall institute research courses of three years or longer duration leading to research degrees.

19. Research professorships and research fellowships.—The universities shall provide for research professorships and a large number of research fellowships.

20. Pooling of Research Facilities.—Universities shall pool research facilities in specialised subjects on an All-India basis.

21. Residential accommodation.—The universities shall provide residential accommodation to its professors, research fellows and students at an early date.

22. Admission to universities.—The universities shall restrict admission to only such candidates as are likely to benefit by it by instituting admission examinations or otherwise.

23. Grants to universities.—Universities shall be entirely autonomous bodies getting fixed grants from the Centre and the States. Specific grants may also be given to the universities by the State or the public.

STATEMENT OF OBJECTS AND REASONS

As the name of the Bill signifies, it is intended primarily to co-ordinate the standards of education prevalent in the universities. Lack of discipline and low standards of education is a common complaint. The growing unemployment among the educated is a serious problem before the government. During the last ten years, the strength of students in universities has increased three-fold and it is creating all sorts of educational, administrative and financial problems.

2. In order to raise the standard of education in the universities it is essential to separate collegiate education from university education and this will be no innovation as this practice is followed by many States in Europe and America. Academically, the bifurcation of education is very beneficial to both types of education. Financially it will lead to great economy in the cost of higher education. The colleges will be able to inculcate the spirit of leadership among the students by laying proper stress on games and extra-curricular activities, while the universities will concentrate on scholarship and research.

3. The primary necessity for this legislation arises from the fact that the standard of research in our universities is going down. A university, in order to justify its existence, must be the fountain of research ever advancing the bounds of knowledge. A fully residential university restricted to M.A. and research degrees will be able to truly advance knowledge.

4. The Bill seeks to make provision accordingly.

KISHEN CHAND.

NEW DELHI;

The 21st April 1953.

BILL NO. X OF 1953

A Bill to provide for the standardisation of weights and measures in harmony with the metric system

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Standard Weights and Measures Act, 1953.

(2) It shall come into force from such date or dates as the Central Government may fix by notification in the Gazette for the whole Act or parts of the Act.

2. Definitions.—In this Act unless the context otherwise requires,—

(i) *Units of weight.*—These units of weight will define the quantity of solid, liquid or gas, accounted by them by any means of weighment ;

(ii) *units of lineal measure.*—These units of lineal measure will define the length, breadth, width, height, depth, etc., of all articles, space, rate, speed and lineal dimensions ;

(iii) *units of spatial measure.*—These units of spatial measure will define the area of any surface, plane or curved ;

(iv) *units of cubical measure.*—These units of cubical measure will define the volume of any object or space of any shape whatsoever ;

(v) *measure of capacity.*—This unit will define the capacity of any hollow vessel used in any transaction of solid, liquid and gaseous articles.

CHAPTER II

STANDARDS

3. Unit of weight.—(1) The unit of weight shall be one seer equal in weight in vacuum to one kilogram of France or 1543·236 grains avoirdupois.

(2) The unit of weight one seer shall have the following subsidiary weights :—

1 seer or kilogram	=	10 chattaks.
	=	100 tolas.
	=	1000 mashas or gram.
	=	10000 ratis or decagram.
	=	100000 centigramme.
	=	1000000 milligramme.
and 1 seer or kilogram	=	$\frac{1}{10}$ maund
	=	$\frac{1}{100}$ palla or thaila.
	=	$\frac{1}{1000}$ ton (metric).

4. Unit of lineal measure.—(1) The unit of lineal measure shall be one metre equivalent to the international unit of length denoted by that name.

(2) The unit of measure shall have the following subsidiary units.

1 metre	=	10 decimetre.
	=	100 centimetre.
	=	1000 millimetre.
		1
and 1 metre	=	$\frac{1}{10}$ decametre.
		1
	=	$\frac{1}{100}$ hectometre.
		1
	=	$\frac{1}{1000}$ kilometre.

5. Units of Spatial and Cubical measures.—(1) The units of spatial and cubical measures shall be square metre and cubic metre.

(2) For measuring land the following units shall be followed, namely :—

1 are = 100 sq. metre (119·59926 sq. yards).

1 hectare = 100 ares (2·47106 acres).

6. Unit of Capacity.—The unit of capacity shall be the volume of 1 seer of water at normal temperature and pressure and will be called 1 litre = 21998 gallon and will be equal to 1000 cubic centimetres.

CHAPTER III

MISCELLANEOUS

7. Penalty for infringement of standard.—Any infringement of the standards of weights and measures in force for the time being shall be a cognizable offence under the code of Criminal Procedure, 1898 and punishable with simple imprisonment up to six months or with fine up to rupees five hundred or both.

STATEMENT OF OBJECTS AND REASONS

Many units of weight are employed all over the country. The seer is different from two pounds or one kilogram by a very small quantity. An international unit will be a great convenience. Our *masha* is equal to 972 gram and one seer is equal to 960 *mashas*. By a slight variation of our *masha* and making a seer equal to 1000 *mashas*, we can make all our units coincide with metric weights. The most confusing unit at present is a maund which varies from 24 lbs to 82½ lbs. in various parts of the country. It will not be difficult to change over to metric weights for the existing iron weights of

one seer can be easily converted into a kilogram by adding a lead piece to them. In weighing balances the rider or counter-weight will have to be slightly altered.

It will also be convenient and useful to bring the measures of length into line with the metric system but the provisions introducing the new measures of length may be brought into force a little later than the provisions introducing the metric weight units as the change of the measure of length will require alteration of all records of areas of land, distances, etc.

The Bill makes provision accordingly for the standardisation of weights and measures in harmony with the metric system.

KISHEN CHAND;

NEW DELHI;

The 8th April, 1953.

BILL No. XI OF 1953

A Bill to amend the Indian Coinage Act, 1906 (Act III of 1906)

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Indian Coinage (Amendment) Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new section 7A, Act III of 1906.—After section 7 of the Indian Coinage Act, 1906, hereinafter referred to as the principal Act, the following section shall be inserted, namely:—

“7A. (1) A rupee shall be sub-divided into ten annas and an anna shall consist of ten pice.

(2) (a) The weight of a rupee coin shall be 10 grams and its diameter shall be $\frac{10}{3}$ cm.

(b) The weight of a half-rupee coin shall be 5 grams and its diameter shall be $\frac{5}{2}$ cm.

(c) The weight of a two-anna coin shall be 2 grams and its diameter shall be $\frac{4}{3}$ cm.

(d) The weight of an one-anna coin shall be 1 gram and its diameter shall be $\frac{2}{3}$ cm.

(e) 5 pice, 2 pice and 1 pice coins shall weigh $\frac{5}{2}$, 1 and $\frac{1}{2}$ gram respectively and shall have diameters of $\frac{5}{2}$, $\frac{5}{3}$ and centimetre respectively with concentric circular holes of suitable sizes.”

3. Amendment of section 13, Act III of 1906.—In section 13 of the principal Act, clause (c) of sub-section (2), the proviso to that sub-section and sub-section (3) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to simplify the sub-division of rupee on the decimal basis. The introduction of decimal parts of units of weight, length and capacity will simplify the calculations considerably. The weights and diameters of coins proposed in the Bill will provide a simple means of checking the units of weight and length in every day life. Further, such simplification of arithmetical calculation will help in the propagation of mass literacy.

KISHEN CHAND.

NEW DELHI;

The 8th April 1953.

BILL No. XIV OF 1953

A Bill to amend the Hindu law governing Hindu childless widow's rights to property.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Hindu Childless Widow's Rights to Property Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir and applies also to Hindus domiciled in the territories to which this Act extends who are outside the said territories.

2. Over-riding effect of Act.—The provisions of this Act shall have effect notwithstanding any rule of Hindu law or custom or usage to the contrary.

3. Rights of a childless widow to property in certain cases.—When a Hindu governed by the Dayabhaga school of Hindu law dies intestate leaving any property, and when a Hindu governed by any other school of Hindu law or by customary law dies intestate leaving separate property, any interest in such property devolving on any Hindu widow who is childless at the time of such devolution shall be an absolute interest and such widow shall have the right to transfer, sell or otherwise dispose of such interest in any manner she likes.

4. Presumption as to devolution of property on a childless widow.—When a Hindu dies possessed of property to which the provisions of section 3 apply and leaves a childless widow, it shall be

presumed that the property which was in the possession of the deceased at the time of his death has devolved absolutely on such widow until the contrary is proved.

5. Saving.—Nothing in this Act shall apply to the property of any Hindu dying intestate before the commencement of this Act.

6. Meaning of the expression 'die intestate'.—For the purposes of this Act, a person shall be deemed to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect.

STATEMENT OF OBJECTS AND REASONS

When a Hindu widow inherits any property she acquires a limited interest therein known as a Hindu woman's estate. She cannot transfer, sell or otherwise dispose of such property except for legal necessity. As a result of the same the position of a Hindu widow without any issue is worse. She can hardly dispose of the property which she has inherited from her husband even if she is in dire need of money, for it is sometimes difficult to prove legal necessity and the prospective buyers are deterred from the transaction through fear of litigation by reversioners.

The bar against transfer of property by a Hindu widow was prescribed many centuries ago in the interests of the widow to save her from unscrupulous persons. The conditions of society have now entirely changed. A childless widow is now hardly looked after or maintained by her relations as before and she is to protect her interests herself. It is, therefore, desirable that a childless widow should be given the freedom to alienate the property which she has inherited to meet her necessities. The Bill accordingly seeks to remove the handicap imposed upon a childless Hindu widow by conferring on her absolute rights over such property.

NEW DELHI;
The 20th April 1953.

RADHA KUMUD MOOKERJI

BILL No. XVI of 1953

A Bill to provide for and consolidate the law relating to suppression of immoral traffic in women and brothels.

WHEREAS it is expedient to provide for and to consolidate the law relating to prostitution in India, and to provide for efficient enforcement thereof;

Be it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Indian Suppression of Immoral Traffic and Brothels Act, 1953.

(2) It extends to the whole of India.

(3) Sub-sections (1) and (2) of section 1 of the Act shall come into force at once. The rest of the Act, in full or in part, shall come into force in any State on such date as the Government of India may declare by notification in the *Gazette of India*.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “brothel” means any house, room, place, premises or any portion thereof which the occupier or person in charge thereof allows to be used by another person for the purpose of prostitution and includes any vehicle which the person driving or in charge of allows to be used by another person for the purpose of prostitution;

(b) “Commissioner of Police” means the Commissioner of Police for the Cities of Madras, Bombay and Calcutta;

(c) “Magistrate” means a salaried Presidency Magistrate or Magistrate of the first class, inclusive of the Commissioner of Police;

(d) “orphanage” means and includes an institution conducted for the welfare of needy children of either sex;

(e) “prescribed” means prescribed by rules made under section 11;

(f) “prostitute” means any woman available for the purpose of prostitution;

(g) “prostitution” means promiscuous sexual intercourse for hire, whether in money or kind, and includes an act of offering the body to indiscriminate lewdness or sexual intercourse for a consideration;

(h) “public place” means a place including road, street or way, whether a thoroughfare or not, and a landing place to which the public are granted access or have a right to resort or over which they have a right to pass and includes a refreshment room, eating house, coffee house, boarding house, lodging house, tea shop or any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place;

(i) “rescue home” means a corrective institution established or recognised by the State Government in which girls under the age of eighteen years rescued from any brothel, disorderly house or place of assignation are placed in pursuance of this Act

and given such training and instruction and subjected to such disciplinary and moral influence as will conduce to their reformation and the prevention of offences under this Act;

(j) "shelter" is an institution established or recognised by the State Government in which girls and women undertrials are kept in pursuance of this Act;

(k) "Superintendent of Police" means a District Superintendent of Police appointed under the District Police Act, or any person appointed by the State Government to perform the duties of the Superintendent of Police for the purpose of this Act;

(l) "vigilance home" means a corrective institution established or recognized by the State Government, in which women are detained in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influence as will conduce to their reformation and the prevention of offences under this Act;

(m) "woman" denotes a female human being who has completed the age of 18 years and above.

3. Common prostitute in vicinity of public places.—Whoever carries on prostitution in any premises,—

(a) which are adjacent or opposite to, or within a distance of one hundred and fifty yards of, any place of public religious worship, educational institution, public park, public playground, cinema, theatre or railway station, or on a thoroughfare, or

(b) which are notified in this behalf, by the Commissioner of Police or the District Magistrate, in the manner prescribed by rules made by the State Government, as a public place,

shall be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both.

4. Penalty for keeping or managing brothels.—(1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment of either description which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,

(a) acts as tout or pimp on behalf of any prostitute, or

(b) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(c) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof to any person with the knowledge that such premises or some part thereof are or is to be used as a brothel, or

(d) is wilfully a party to the use of such premises, or any part thereof,

shall be punished with imprisonment of either description which may extend to three months or with fine which may extend to five hundred rupees or with both, and in the case of clause (c) if the premises are let out with the knowledge that the lessee has been convicted under sub-section 2(a) of section 4 of this Act the punishment shall be double, *viz.*, six months imprisonment or one thousand rupees fine or both.

(3) Notwithstanding anything contained in any other law for the time being in force, a Court convicting the lessee, tenant, occupier or person residing in any house, room, place, premises or any portion thereof for offences under sub-section (1) or clauses (a) and (b) of sub-section (2) may summarily dispossess any such lessee, tenant, occupier or person occupying or residing in any such house, room, place, premises or any portion thereof and put the lessor or the landlord or the agent of such lessor or landlord in possession thereof.

(4) When the lessor or landlord or the agent of such lessor or landlord is put in possession of any house, room, place, premises or portion thereof under the provisions of sub-section (3) he shall not grant another lease or enter into another contract of tenancy to or for the benefit of the same person or persons without causing to be inserted in such lease or contract all reasonable provisions for the prevention of recurrence of any such offences. If any lessor or landlord or agent of any house, room, place, premises or any portion thereof in pursuance of sub-section (3) fails to comply with the provisions of sub-section (4), he shall be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

(5) Any person who having been convicted of an offence punishable under sub-section (1) or sub-section (2) is convicted of a subsequent offence punishable under the said sub-section shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both in case where the punishment is below one year.

(6) Any person not below the age of eighteen years who knowingly lives wholly or in part, on the earnings of the prostitution of another person shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(7) Where any person is proved—

(a) to be living with or to be habitually in the company of a person living on prostitution, or

(b) to have exercised control, direction or influence over the movements of a person living on prostituting in such a manner as to show that such person is aiding, abetting or compelling her prostitution with any other or generally,

it shall be presumed, until the contrary is proved, that such person is knowingly living on the earnings of the prostitution of another within the meaning of sub-section (1):

Provided that the mother, or a son or daughter of a person living on prostitution shall not be punished under sub-section (1) for living on the earnings of such person unless it is proved to the satisfaction of the court that such mother, son or daughter is aiding, abetting or compelling her prostitution.

(8) Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on prostitution or causes or induces any woman or girl to carry on prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(9) Any offence under this section may be tried in any place to which the woman or girl is brought or in which an attempt to bring her is made or in any place from which she is brought or caused to be brought or from which an attempt to bring her is made.

(10) The provisions of Chapter VIII of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply to orders made for the execution of bonds under this section and imprisonment for failure to give security shall be rigorous or simple.

5. Provisions for removal and custody.—(1) Where a Magistrate has reason to believe from a report made to him by a police officer or otherwise that a girl apparently under the age of eighteen years is living on, or is carrying on, or is being made to carry on prostitution in a brothel, disorderly house, or place of assignation, or a child (of either sex) between six and eighteen years of age living under similar conditions, he may issue an order to a police officer not below the rank of a Deputy Superintendent of Police specially authorised in writing in this behalf by the Commissioner of Police, or by the Superintendent of Police to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl or boy,

and thereupon such police officer shall have the power to enter into such brothel, disorderly house or place of assignation and shall be entitled to remove forthwith from such brothel, disorderly house or place of assignation such girl and any other girl found therein if, in his opinion, she is under the age of eighteen years and is living or is carrying on or is being made to carry on prostitution in such brothel, disorderly house or place of assignation.

(2) A girl or a boy who has been so removed shall be brought before the Court which shall make an enquiry in the manner prescribed for conducting trial and recording evidence in summons cases and if satisfied that she or he is living on or is being made to carry on prostitution in a brothel, disorderly house or place of assignation, or living in a house used for immoral purpose or in any other circumstances calculated to cause, encourage or favour the prostitution and that the girl is under eighteen years of age may make an order that such girl or boy be placed until she attains the age of twenty-one years or for any shorter period in a rescue home or orphanage or in such other custody as the court for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person or body of a different religious persuasion from that of the girl.

(3) When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of sub-section (1) of section 5 the police officer carrying out the removal, or when a child or a woman who has been taken into custody under the provisions of this Act the Police Officer taking the child or woman into custody shall, until such girl or woman is brought before the Court, cause her to be detained in a rescue home or orphanage or shelter or in such other suitable custody other than a police station or jail, as may be prescribed in this behalf by the State Government, provided however that such custody shall not be that of a person or body of a different religious persuasion from that of the child or woman.

6. Punishment for molesting and soliciting.—Whoever, in any street or public place or within sight of and in such manner as to be seen or heard from any street or public place whether from within any house or building or not,

(a) by words, gestures, indecent exposures of his or her person or otherwise attracts or endeavours to attract attention for the purposes of prostitution, or

(b) solicits or molests any person for the purposes of prostitution,

shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

7. Extent of powers.—Where a Magistrate convicts any girl or woman who has not attained the age of eighteen years of an offence under section 6, he may in lieu of passing a sentence of imprisonment under the section pass a sentence of detention if she is a girl in a rescue home or if she is a woman in a vigilance home for a term which shall not be less than two years or more than five years.

8. Arrest without warrant.—(1) On the complaint of five respectable residents above the age of twenty-one, any police officer not below the rank of an Inspector with the written permission of a Superintendent of Police or Commissioner of Police may arrest without a warrant any person who has been concerned in any offence under section 4 or against whom a reasonable complaint has been made or credible information has been received as being concerned in an offence punishable under section 11 and he shall be arrested under this section only if the name and address of such a person be unknown to the police officer and cannot be ascertained by him then and there or if he has reason to believe that a false name and address has been given.

(2) Any Police Officer authorised in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order may arrest without a warrant any person committing in his presence any offence punishable under section 4.

9. Search without warrant.—Notwithstanding anything contained in any other law for the time being in force any Police Officer not below the rank of an Inspector and any other Police Officer authorised in this behalf in writing by the Commissioner or Police or the Superintendent of Police by special order or by orders by any Presidency Magistrate or First Class Magistrate may for the purpose of ascertaining whether an offence punishable under section 4 or 7 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under section 4 or section 7 has been committed.

10. Trying magistrate.—No court below that of a Magistrate as defined in clause (c) of section 2 shall try offences under section 4 or section 7 provided that notwithstanding anything contained in clause (c) of section 2 the Commissioner of Police shall not be deemed to be a Magistrate for the purpose of this section.

11. Establishment, care and maintenance of rescue homes.—(1)

The State Government shall establish and maintain at least one rescue home and orphanage and may make rules—

(i) for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under sub-section (2) of section 5;

(ii) for the detention of girls under the provisions of section 6 subject to the restriction that no girl shall be detained in the custody of a person or body of a different religious persuasion from that of the girl;

(iii) for the purpose of carrying into effect the provisions of section 7 and in particular and without prejudice to the generality of this power with regard to—

(a) the management of vigilance homes and orphanages and the appointment, powers and duties of officials in such homes;

(b) the care, treatment, maintenance, training, instruction and control of the inmates of such homes,

(c) visits to, and communication with, such inmates;

(d) the temporary detention of women sentenced to detention in vigilance homes until arrangements are made for sending them to such homes, provided that no woman shall be detained in the custody of any person or body of a religious persuasion different from hers;

(e) the transfer of women from one vigilance home to another;

(f) the grant of permission to inmates to absent themselves for short periods.

(2) In making any rule clause (iii) of this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

12. Repeal and saving.—Any Acts of States or the Union in force and sections thereof which are in conflict or are identical with any section or sections of this Act shall stand repealed.

STATEMENT OF OBJECTS AND REASONS

The institution of brothels has existed in many countries along with ours from time immemorial but it has degenerated to its unthinkableably cruel and hideous proportions mainly during the present

century. Advanced countries all over the world and certain States in our own country also have taken measures to stop and check this social evil; but the law in some of the States has been defective to the point of being ineffective. In some States no legislative action at all has been taken in this sphere so far. It, therefore, seems that the time has come when legislation on all-India basis should be undertaken urgently to check this evil and to stop the immoral traffic in women and children resultant on the unchecked existence of brothels. The Bill seeks to make provision accordingly.

SEETA PARMANAND.

NEW DELHI;
The 8th April 1953.

BILL No. XVII OF 1953

A Bill to regulate and license institutions caring for women and children

WHEREAS it is expedient to enact a law to regulate and license orphanages and other institutions caring for women and children under eighteen years of age and to provide for the proper custody, care and training of their inmates, it is hereby enacted as follows:—

PART I

PRELIMINARY

1. Short title and extent.—(1) This Act may be called the Women's and Children's Institutions Licensing Act, 1953.

(2) It extends to the whole of India.

2. Commencement.—Section 1 shall come into force at once. The rest of the Act, or any other provision thereof shall come into force in any area on such date or dates as the Government of India may, by notification in the Gazette of India, declare.

3. Savings.—The Government of India may, by notification in the *Gazette of India*, direct that all or any of the provisions of this Act shall not apply to any specific class of institutions or children in the whole of India or in any particular area thereof.

4. Definitions.—(1) In this Act, unless there is anything repugnant to the subject or context,—

(i) "child" means a boy or a girl who has not attained the age of eighteen years;

(ii) "fit person" includes an institution, association or body of individuals, whether incorporated or not, established for or having for its object the reception or protection of women or

children or the prevention of cruelty to children or exploitation of women for immoral purposes and which undertakes to train and rehabilitate, or to bring up or to give facilities for training or rehabilitation or bringing up of any woman or child entrusted to its care in conformity with the religion of her or his birth;

(iii) "licensing authority" means the District Magistrate of a district or any special officer appointed by the District Magistrate to perform on his behalf the duties of the licensing authority;

(iv) "manager" means the owner and any person having or acting in the care or management of a women's or children's institution, vigilance home, rescue home, shelter or other such institution and also includes the members of the Governing Body of that institution, if any;

(v) "woman" denotes a female of eighteen years of age and above;

(vi) "women's or children's institution" means an orphanage, vigilance home, rescue home, shelter or any other home or place, run by Government or a local authority or organisations, which accepts for care five or more women and/or children or which is so organised or administered that its service is essentially institutional in character regardless of the number of inmates cared for;

(vii) "year" means the calendar year of Christian era.

(2) Words and expressions used and not defined in this Act but defined in the Code of Criminal Procedure, 1898, shall have the meaning assigned to them in that Code.

PART II

LICENSING

5. Licence required to run a children's institution.—No person, association or corporation shall, without first having obtained a written licence from the licensing authority, own, establish, maintain or conduct any women's and children's institution, vigilance home, rescue home, or shelter, under any name for the reception or care of women and/or children nor shall either receive or care for any woman or child in the absence of her husband, parent or lawful guardian with or without maintenance:

Provided that wherever these exist, no institution will admit inmates of different sexes above the age of 10 years in the same place.

6. Application for licence.—(1) An application for securing licence for an institution shall be made in writing in the prescribed form by the manager of any such institution caring for women and/or children to the licensing authority.

(2) The licensing authority shall thereupon cause enquiry to be made in respect of such application with special reference to the constitution, aims, objects and financial stability of the organisation, as also arrangements for board and lodging, general health of the

inmates and facilities for their education, medical treatment, industrial training and rehabilitation.

(3) The licensing authority on such enquiry may, if satisfied, grant a licence in respect of such place, and the licence shall remain in force for the calendar year subject to such conditions and requirements as may be prescribed.

(4) The licence, besides giving the name of the institution, its managers and its location, shall specify the number, sex, age and other limitations as to the women or children to be admitted and the facilities for their training and shall lay down a fee of Re. 1 per capita for the inmates.

7. Renewal of licence.—Application for renewal of a licence shall be filed at least thirty days prior to its expiration. If no such application is filed, the licence shall automatically cease at the end of the calendar year.

8. Transfer of licence.—No licence shall be transferable.

9. Change of location or services not permitted.—The location of any institution specified in the licence and the performance of any service specified therein shall not be changed without the written consent of the licensing authority.

10. Register of records.—Every holder of a licence shall maintain a register in the prescribed form setting forth the following facts concerning each woman or child on admission received into the care or charge of the holder of the licence or placed in any other home by such licence-holder—

- (a) name of the woman or child;
- (b) Age——sex——religion——;
- (c) condition of her or his health on admission;
- (d) last address;
- (e) nearest of kin;
- (f) names of father and mother stating whether dead or living; name of husband in case of a married woman or girl;
- (g) person responsible for her or his care;
- (h) amount, if any, paid for care;
- (i) name of person or agency seeking admission of the woman or child;
- (j) reasons for admission;
- (k) terms and conditions of admission;
- (l) a brief history of the case; and
- (m) such other data as from time to time may be required by the licensing authority.

11. Holder of licence to file copy of register.—Every holder of a licence shall file a copy of the register with the licensing authority at the time of issue of the licence.

12. Monthly statement of admissions and discharges to be filed.—The holder of the licence shall further furnish to the licensing authority a monthly statement in the prescribed form of all new admissions and discharges. Every licence-holder shall be deemed to be the lawful guardian of every inmate recorded under the provisions of this Act.

13. Death of child or change in administrative personnel to be reported.—Upon the occurrence of death of any inmate or changes in the administrative personnel of any such institution, the holder of the licence shall within forty-eight hours give written notice thereof to the licensing authority:

Provided that the incident of a sudden death shall be reported immediately.

14. Managers of licensed institutions bound to teach and train every child admitted.—(1) The managers of licensed institutions run on charity shall be bound to teach, train, lodge, clothe and feed every woman or child admitted in their institution till the woman is rehabilitated or the child attains the age of eighteen years or until their withdrawal from the institution or the expiration of the licence of the institution.

(2) Where a woman inmate has a paying guardian as envisaged by clause (h) of section 10, the institution need not be held responsible for the rehabilitation of the woman.

15. Penalty for operation without licence.—(1) Any person, association or corporation that maintains or conducts as manager or officer or in any other administrative capacity or assists in maintaining or conducting any institution or performance of any service specified in section 5 of this Act, without first having obtained a licence, shall be guilty of an offence punishable with fine up to two hundred rupees.

(2) The inmates of any such institution shall be removed therefrom and placed in some other licensed institution by the licensing authority.

PART III

MANAGEMENT AND INSPECTION OF INSTITUTIONS

16. Governing Body.—Every institution licensed under this Act and having more than twenty-five inmates shall be under the management of a Governing Body, the members of which shall be deemed to be the managers of the institution for the purposes of this Act and shall be deemed to be responsible for the policies, procedures and general business of the organization.

17. Audited accounts to be submitted to the licensing authority.—Every institution shall maintain proper accounts of all sums of

money received and spent, and shall file with the licensing authority an annual statement of accounts.

18. Inspection by the licensing authority.—(1) Any licensed institution may be inspected at all reasonable hours by the licensing officer or any member of his inspecting staff for the purpose of securing the health and welfare of the children and the sanitation of the premises.

(2) The licensing officer or any member of the inspecting staff shall have power to enter a licensed institution at all reasonable hours and to make a complete inspection thereof and of all registers relating thereto, and the person in-charge of the place shall afford all reasonable facilities for such inspection.

(3) The officer so inspecting shall, at the conclusion of his inspection, record his remarks in the visitors' book of the institution.

(4) The licensing authority shall communicate to the institution inspected by him or his representative any suggestion he has to make on receiving the report of his representative.

19. Government, if dissatisfied, may withdraw licence.—(1) The State Government on a report from the licensing authority, if dissatisfied with the conditions, rules, management or superintendence of a licensed institution, may, at any time, by notice served on the managers of the institution withdraw the licence as from a date specified in the notice, and the institution shall cease to function from that date.

(2) The State Government may, instead of cancelling a licence under sub-section (1) by notice served on the managers of the institution, prohibit the admission of women or children, as the case may be, to the institution for such time as may be specified in the notice or until the notice is revoked:

Provided that before the issue of a notice under sub-section (1) and/or sub-section (2), a reasonable opportunity shall be given to the managers of the institution to show cause why the licence may not be withdrawn or admission to the institution may not be prohibited, as the case may be.

20. Resignation of licence by managers of an institution and its effect.—(1) The managers of a licensed institution may, on giving six months notice in writing to the State Government through the licensing authority of their intention to do so, apply for cancellation of the licence of the institution, and accordingly at the expiration of six months from the date of notice, unless before that time the notice is withdrawn, the cancellation of the licence shall take effect and the institution shall cease to function.

(2) A woman or child shall not be received into a licensed institution after the date of receipt by the managers of the institution

of a notice of withdrawal of licence or after the date of a notice of cancellation of the licence:

Provided that the obligation of the managers to teach, train, lodge, clothe and feed inmates in the institution shall continue until the withdrawal or cancellation or the licence takes effect.

21. Disposal of children on cancellation of licence of an institution.—The licensing authority, on cancellation of the licence of any place under the foregoing sections or otherwise closing down of an unauthorised institution under section 15, may direct that any woman or child who is an inmate of such place, be,—

(a) preferably transferred to another licensed institution wherever one such institution exists:

(b) restored to the custody of her or his parent, husband or guardian, as the case may be; or

(c) released to the care of any other fit person.

22. Power of State Governments to make rules for management of institutions.—The State Government shall make such rules and regulations as they deem fit for the management of the licensed institutions or for the performance of their services.

23. Local authority competent to fix standards for sanitation, health and hygiene for institutions.—The provisions of this Act shall not prevent the local authority of any city or district from adopting rules and regulations prescribing standards of sanitation, health and hygiene for institutions, vigilance homes, rescue homes, shelters, boarding homes or other places for the reception or care of women and children, not in conflict with the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In a fully developed welfare State the care and education of children, particularly the poor and homeless, has to be the first and the entire responsibility of the State, as the State alone can satisfactorily cater to the all-round care of its greatest asset and treasure, its children, the future generation. Until this is practicable, it is the primary duty of the State to strictly supervise institutions meant for needy children and women.

It is common knowledge that a good many orphanages and women's homes are at present run out of motives which are not beyond question. With a view, therefore, to regularising the conduct of these homes, present as well as future, and with a view to ensuring that they are run on good and sound principles of health and hygiene thereby protecting the interests of the helpless, needy and innocent children, it is necessary to introduce legislation forthwith.

State recognition through grant of licences, as also frequent supervision of the premises and the accounts of the institutions will act as a much needed check on the conduct of the institutions.

The Bill accordingly seeks to give effect to the above objectives.

SEETA PARMANAND.

NEW DELHI;
The 8th April 1953.

S. N. MUKERJEE,
Secretary.

